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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE Mr. JUSTICE H.L. DATTU

WRIT PETITION No. 2979/1993

BETWEEN:

Padmavati
d/o. Guru Rao Habbu,
aged about 32 years,
r/o. Ramaprasad Galli,
Bijapur.

... PETITIONER

(By Smt. Shobha Patil, for Sri
B.S. Patil, Adv.)

AND :

1. The Life Insurance
Corporation of India
rep. by the Senior
Divisional Manager,
Raichur Division,
Raichur.

2. The Life Insurance
Corporation of India
rep. by the Branch
Manager, LIC,
Bijapur.

... RESPONDENTS

(By Sri V.C. Brahmarayappa, Adv.)

This writ petition is filed under Article 226 of the Constitution of India with a prayer to direct the respondents to provide an opportunity to the petitioner to appear for the examination and etc.

This writ petition coming on for hearing this day, the Court made the following;

ORDER

Petitioner claims that she was working as a

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temporary employee in the first respondent organisation between the period 01.09.1983 to 24.11.1983. With effect from 24.11.1983 petitioner's services are not continued by the respondent organisation. Similarly placed employees of the respondent Corporation according to the petitioner had raised a dispute before the National Industrial Tribunal and the National Industrial Tribunal after considering the case of temporary employees of the corporation had passed an award. Copy of the award is not produced along with the writ petition docket.

Aggrieved by the award made by the tribunal the respondent Corporation had taken up the matter before the Hon'ble Supreme Court in a special leave petition. By an interim direction according to the petitioner, the Supreme Court had directed the Corporation to consider the cases of employees for reinstatement and regularisation who had been working between the periods between 01.01.1982 to 20.05.1985 on temporary basis.

Petitioner claims for reemployment by basing her claim on a notification issued by the respondent corporation which is published in a leading newspaper on 04.09.1991. According to

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petitioner, her case should be considered by the respondent corporation for reemployment since she was working in the corporation between the periods 01.09.1983 to 24.11.1983. Basing her claim on the notification she had approached the respondents by making appropriate representation requesting them to reemploy her in the post held by her prior to 24.11.1983.

Respondents have filed detailed statement of objections. In that they have resisted the relief sought for by the petitioner in the writ petition and contend that the notification issued by the corporation dated 04.09.1991 would not assist the petitioner in any manner whatsoever.

A perusal of the notification issued by the corporation clearly indicates that if a temporary employee had appeared in a written test conducted by the respondent corporation for the purpose of reemployment and if that person had been unsuccessful in the written test, he/she is given a second opportunity to participate in the recruitment test.

Having seen the notification issued by the respondent Corporation let me not advert to the

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petitioner's case.

At no point of time petitioner had appeared before the respondents requesting for reemployment on the ground that she had temporarily worked as a typist in the corporation between the periods 01.09.1983 to 24.11.1983. Having not appeared for an interview as per the directions issued by the Supreme Court in S.L.P. No. 14906/1988 in my view petitioner cannot take any assistance from the notification issued by the corporation dated 04.09.1991.

However Smt. Shobha Patil learned counsel appearing for the petitioner vehemently contends before this Court that the respondent corporation should have prepared a list of those persons who had temporarily worked in the organisation between the periods 01.09.1983 to 24.11.1983 and should have informed the petitioner to appear for the written test for the purpose of reemployment. Learned counsel is not in a position either to produce the directions issued by the Supreme Court in S.L.P. 14906/1988 nor she is in a position to produce any other document to suggest that there was an obligation on the part of the corporation to prepare such a list.

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In my view since petitioner was out of job immediately after the interim orders were made by the Supreme Court she should have approached the corporation seeking for reemployment as per the directions issued by the Supreme Court in the aforesaid S.L.P. In my view nearly after ten years, she cannot come before this Court and seek a direction to the respondents to reemploy her in the post held by her prior to 24.11.1983.

In that view of the matter the relief sought for by the petitioner in this writ petition cannot be granted by this Court. Accordingly petition is rejected. In the facts and circumstances of the case parties are directed to bear their own costs. Ordered accordingly.



Sd/-
JUDGE